

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ERNST JOSEPH,

Petitioner,

v.

JOSEPH F. McDONOUGH,

Respondent.

CIVIL ACTION

NO. 04-11275-GAO

O R D E R

O'TOOLE, D. J.

On June 9, 2004, petitioner Ernst Joseph, an immigration detainee confined at the Plymouth County Correctional Facility and a native of Haiti, filed a petition for a writ of habeas corpus under Section 2241 but did not pay the \$5 filing fee for this action or submit an application to proceed without prepayment of fees.

Joseph alleges that he has been detained by the government since October 3, 2002, and that his order of removal became final on February 17, 2003. He challenges his current detention pursuant to Zadvydas v. Davis, 533 U.S. 678 (2001).

ACCORDINGLY,

(1) The Clerk shall serve a copy of the Petition upon the respondent, Sheriff Joseph McDonough, 26 Long Pond Road, Plymouth, MA 02660; AND counsel for the Respondent: (i) the United States Attorney; AND (ii) Frank Crowley, Department of Homeland Security, Special Assistant United States Attorney, P.O. Box 8728, JFK Station, Boston, MA 02114 by certified mail AND

(2) The Respondent shall file an answer or other response within 10 days of the date of this Order;

(3) The Respondent shall provide the Court with at least 48 hours advance notice of any scheduled deportation or removal of petitioner; and

(4) Petitioner shall pay the \$5 filing fee for this action or submit an application to proceed without prepayment of fees within 42 days of the date of this Order; and

(5) The Clerk shall send petitioner an application to proceed without prepayment of fees and affidavit with a copy of this order.

SO ORDERED.

June 10, 2004
Date

s/ George A. O'Toole, Jr.
United States District Judge

(2241servINS.wpd - 09/00)

[2241serv.]